

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-18 are pending in this application. The Examiner maintained the rejection of Claims 1, 2, 17 and 18 under 35 U.S.C. §102(b) as being anticipated by *Womack et al.* (U.S. Patent No. 5,982,819) (hereinafter, *Womack*); and the rejection of Claim 3-16 under 35 U.S.C. §103(a) as being unpatentable over *Womack* in view of *Admitted Prior Art* (hereinafter, *APA*.)

As to Claim 1, the Examiner maintained the allegation, among other things, that *Womack* discloses the recitation of “a switching means for automatically switching between at least the first and the second modulation techniques,” as recited in Claim 1, and similarly in Claims 17 and 18. In the Response to Arguments, the Examiner further alleged that this recitation is found in col. 2, lns. 30-40 of *Womack*, citing in particular the “controller (107)” therein, where the Examiner asserts that the controller (107) deploys appropriate modulation schemes corresponding to the modulator identifier. However, after reviewing the cited passages of *Womack*, together with its corresponding figures, Applicants respectfully disagree.

Unlike that which is taught in *Womack*, the present invention teaches and claims that a switching means automatically selects a modulation and demodulation method of a plurality of modulation and demodulation methods. However, the system controller (107) of *Womack* controls a plurality of transmitters such as transmitter (111) and a plurality of base receivers such as base receivers (115, 117) corresponding to a plurality of service areas such as service areas (121, 122), selects a service area among the service areas, and provides a message service to the selected service area. (See, e.g., column 2, lines 23-26, and column 2, line 64 – column 3, line 16 of *Womack*).

In other words, the switching means of the present invention is a configuration whereby first automatic switching occurs between a “modulation” and a “demodulation” technique and, thereafter, selection of either of these two techniques is made, whereas the system controller, as taught in *Womack*, merely selects a service area such as service areas (121, 122). In fact, in its

entirety *Womack* fails to teach the recitation of a switching means for automatically switching between a modulation and demodulation technique, as recited in Claim 1 in the application.

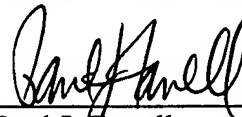
Accordingly, as *Womack* does not teach each and every limitation of Claim 1, it is respectfully submitted that the 35 U.S.C. §102(b) rejection of Claim 1 be withdrawn.

As to independent Claims 17 and 18, the Examiner also maintained their rejections under §102(b). However, since Claims 17 and 18 contain similar recitations as Claim 1, it is respectfully submitted that Claims 17 and 18 are patentably distinct for at least the same reasons as set forth above with respect to rejection of Claim 1.

As to the rejection of Claims 2-16, the Examiner also maintained their rejections under 35 U.S.C. §§103(a) and 102(b). However, it is acknowledged that Claims 2-16 are all dependent claims; accordingly, if the above arguments place the independent claims into condition for allowance, it is respectfully submitted that these dependent claims are also believed to be in condition for allowance.

Accordingly, all of the claims pending in the Application, namely, Claims 1-18 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Registration No. 33,494
Attorney for Applicant(s)

THE FARRELL LAW FIRM, P.C.
333 Earle Ovington Blvd., Ste. 701
Uniondale, New York 11553
(516) 228-3565